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PTO/SB/21 (05-03) (AW 07-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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(to be used for all correspondence after initial filing)

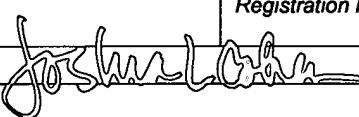
Total Number of Pages in This Submission 8 + 7 refs.

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| Application Number | 10/677,038 |
| Filing Date | 9/30/03 |
| First Named Inventor | Michael Gordon |
| Art Unit | |
| Examiner Name | |
| Attorney Docket No. | BWC-105US |

ENCLOSURES (Check all that apply)

| | | |
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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO-1449 (5 pgs.); 7 refs. |
| Remarks: <hr/> | | |

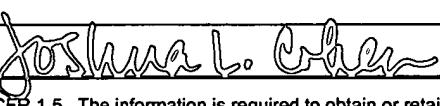
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

| | | | | |
|--------------------|---|--|-----------------------------------|--------|
| Firm or Individual | Joshua L. Cohen | | Registration No. (Attorney/Agent) | 38,040 |
| Signature |  | | | |
| Date | 11/14/03 | | | |

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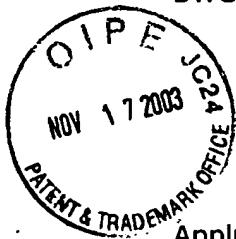
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| Name (Print/Type) | Joshua L. Cohen | | |
| Signature |  | | |
| | Date | 11/14/03 | |

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 10/677,038
Applicant: Michael Gordon and Wade Bernreuter
Filed: September 30, 2003
Title: INDIRECT WATER HEATER AND METHOD OF MANUFACTURING SAME
TC/A.U.:
Examiner:

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO 1449 (RP) submitted herewith. A copy of all non-US related references are enclosed herewith.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

Reference FR 2469667, DE 3906715, and JP 57-49760 are not in the English language, but an English abstract thereof is attached to the copy of the reference submitted herewith.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application or before mailing of the first Official Action. No first Official Action has yet been received and it is presumed that none has yet been mailed. No

fee or statement is required. 37 C.F.R. § 1.97(b).

Respectfully submitted,



Joshua L. Cohen, Reg. No. 38,040
Attorney for Applicants

JHS/dhm

Enclosures: PTO Form 1449
7 references
Transmittal Form

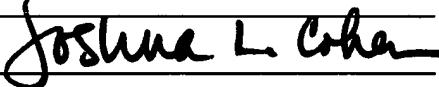
Dated: November 14, 2003

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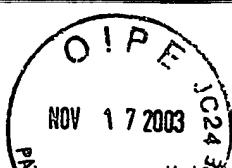
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SHEET 1 of 5

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| Application Number | 10/677,038 |
| Filing Date | September 30, 2003 |
| First Named Inventor | Michael Gordon |
| Art Unit | |
| Examiner Name | |

Attorney Docket No. BWC-105US

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date (MM-DD-YYYY) | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|--|----------------------------------|--|---|
| | | Number - Kind Code ² (if known) | | | |
| | | US-1,070,175 | 08/12/1913 | Ponninghaus | entire document |
| | | US-1,240,101 | 09/11/1917 | Thompson | entire document |
| | | US-1,255,835 | 02/05/1918 | Shaug | entire document |
| | | US-1,959,933 | 05/22/1934 | Simsohn | entire document |
| | | US-2,252,046 | 08/12/1941 | Steele | entire document |
| | | US-2,255,956 | 09/16/1941 | Watt | entire document |
| | | US-2,303,197 | 11/24/1942 | Canfield | entire document |
| | | US-2,327,339 | 08/24/1943 | Chandler | entire document |
| | | US-2,345,209 | 03/28/1944 | Moore | entire document |
| | | US-2,348,610 | 05/09/1944 | Colby | entire document |
| | | US-2,348,835 | 05/16/1944 | Mueller | entire document |
| | | US-2,359,547 | 10/03/1944 | Colby | entire document |
| | | US-2,373,731 | 04/17/1945 | Wilson et al. | entire document |
| | | US-2,399,985 | 05/07/1946 | Chandler | entire document |
| | | US-2,533,508 | 12/12/1950 | Riu | entire document |
| | | US-2,539,469 | 01/30/1951 | Powers | entire document |
| | | US-2,569,757 | 10/02/1951 | Gubson | entire document |
| | | US-2,642,046 | 06/16/1953 | Alexander | entire document |
| | | US-2,704,188 | 03/15/1955 | Bergmann | entire document |
| | | US-3,171,597 | 03/02/1965 | Baier | entire document |

FOREIGN PATENT DOCUMENTS

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|--------------------|-----------------------|---|----------------------------------|---|--|--------------------------|
| | | Country Code ³ - Number ⁴ - Kind Code ⁵ (if known) | | | | |
| | | FR 2412807 | 07/20/1979 | Baeckeroot | entire document | <input type="checkbox"/> |
| | | FR 2469667 (English Abstract included) | 05/22/1981 | Amthor, Jr. | entire document | <input type="checkbox"/> |
| | | DE 2430825 | 01/08/1976 | Kunzel | entire document | <input type="checkbox"/> |
| | | DE 3906715 A1 (English Abstract included) | 09/06/1990 | Rohner | entire document | <input type="checkbox"/> |
| | | JP 57-49760 (English Abstract included) | 03/23/1982 | Toru | Entire document | <input type="checkbox"/> |

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|--------------------|-----------------|
| Examiner Signature | Date Considered |
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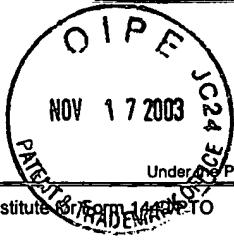
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

SHEET 2 of 5

Completeness If Known

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| Application Number | 10/677,038 |
| Filing Date | September 30, 2003 |
| First Named Inventor | Michael Gordon |
| Art Unit | |
| Examiner Name | |

Attorney Docket No. BWC-105US

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date (MM-DD-YYYY) | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|--|----------------------------------|--|---|
| | | Number - Kind Code ² (If known) | | | |
| | | US-3,201,045 | 08/17/1965 | Davidson et al. | entire document |
| | | US-3,254,839 | 06/07/1966 | McClanahan et al. | entire document |
| | | US-3,341,122 | 09/12/1967 | Whittell, Jr. | entire document |
| | | US-3,492,461 | 01/27/1970 | Willis Thompson Lawrence | entire document |
| | | US-3,545,534 | 12/8/1970 | Harold John Coles | entire document |
| | | US-3,793,992 | 02/26/1974 | Marquez | entire document |
| | | US-3,828,847 | 08/13/1974 | Stein | entire document |
| | | US-3,882,693 | 05/13/1975 | Donald E. Hiller | entire document |
| | | US-3,896,992 | 07/29/1975 | Borovina et al. | entire document |
| | | US-3,958,755 | 05/25/1976 | Cleer, Jr. | entire document |
| | | US-4,030,540 | 06/21/1977 | Carlo Roma | entire document |
| | | US-4,037,785 | 07/26/1977 | Madern | entire document |
| | | US-4,052,000 | 10/04/1977 | Honikman | entire document |
| | | US-4,149,673 | 04/17/1979 | Haggood | entire document |
| | | US-4,158,438 | 06/19/1979 | Haggood | entire document |
| | | US-4,167,211 | 09/11/1979 | Dieter Haller | entire document |
| | | US-4,193,180 | 03/18/1980 | Irving D. Press | entire document |
| | | US-4,202,406 | 05/13/1980 | Alfred J. Avery | entire document |
| | | US-4,238,873 | 12/16/1980 | Frank et al. | entire document |
| | | US-4,253,446 | 03/03/1981 | Müller | entire document |

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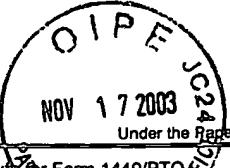
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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SHEET 3 of 5

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|--------------------|-----------------------|---|----------------------------------|--|---|
| | | US-4,267,826 | 05/19/1981 | Hitt, Jr. | entire document |
| | | US-4,273,160 | 06/16/1981 | David C. Lowles | entire document |
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| | | US-4,949,680 | 08/21/1990 | Hemant D. Kale | entire document |
| | | US-4,972,902 | 11/27/1990 | Susuma Ninomiya | entire document |
| | | US-5,037,510 | 08/06/1991 | Nils Nygards | entire document |
| | | US-5,081,696 | 01/14/1992 | Beck | entire document |
| | | US-5,136,985 | 08/11/1992 | Krowech | entire document |

FOREIGN PATENT DOCUMENTS

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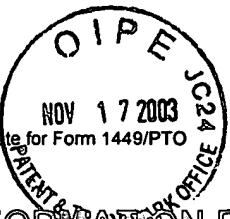
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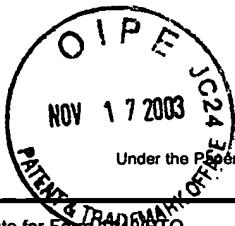
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SHEET 5 of 5

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| First Named Inventor | Michael Gordon |
| Art Unit | |
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| Attorney Docket No. | BWC-105US |

NON-PATENT LITERATURE DOCUMENTS

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